

**CITY OF MILPITAS
APPROVED**

PLANNING COMMISSION MINUTES

August 10, 2005

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Azevedo, Galang, Garcia, Lalwani, Mandal, Mohsin and Williams
Absent: None
Staff: Carrington, Duncan, Pio Roda and Rodriguez

**III
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
July 27, 2005**

Chair Williams called for approval of the minutes of the Planning Commission meeting of July 27, 2005.

Staff changed page 11 and 12 of the minutes from Commissioner Williams to Chair Williams.

Motion to approve the minutes with the corrections.

M/S: Lalwani/Mandal

AYES: 7

NOES: 0

**V.
ANNOUNCEMENTS**

There were no announcements from staff.

Chair Williams noted he received a letter from Mid-Peninsula housing coalition inviting the Commission to contact them relative to looking at their Fremont project. If anyone wishes to attend, please contact Chair Williams. He also pointed out that if three Commissioners attend, they would have to recognize the Brown Act, and also would have to put it on the website calendar.

Commissioner Mandal announced that he would be out of the country in September and might be absent for one or two meetings.

Commissioner Lalwani noted that the Chamber of Commerce will be holding the Art and Wine Festival on August 20th and August 21st.

**VI.
CONFLICT
OF INTEREST**

Chair Williams asked if the Commission has any conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

Staff added the 1000 South Park Victoria address to item No. 2 on the agenda, Use Permit Approval Amendment No. UA2004-10, "S"-Zone Approval Amendment No. SA2004-100, and Environmental Assessment No. EA2005-2.

Commissioner Garcia noted that Item No. 2 has been continued many times and asked if it will be coming forward to the August 24th meeting. Staff responded yes.

Motion to approve the modified agenda.

M/S: Mandal/Azevedo

AYES: 7

NOES: 0

**VIII.
CONSENT CALENDAR
Item No. 2**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff had no changes.

Chair Williams opened the public hearing on Consent Item No. 2.

There were no speakers from the audience.

Motion to continue the public hearing to the August 24th meeting.

M/S: Lalwani/Galang

AYES: 7

NOES: 0

***2 USE PERMIT APPROVAL AMENDMENT NO. UA2004-10; "S"-ZONE APPROVAL AMENDMENT SA2004-100, AND ENVIRONMENTAL ASSESSMENT NO. EA2005-2:** A request to demolish four (4) existing religious facility ancillary buildings (approximately 21,150 square feet) and construction of two (2) new ancillary buildings (approximately 49,500 square feet), with site modifications that include a parking reduction, removal of protected trees and new landscaping at 1000 South Park Victoria Drive.

IX. PUBLIC HEARING

1. ZONING ORDINANCE TEXT AMENDMENT NO. ZT2005-2

Dennis Carrington, Senior Planner, noted that the following corrections should be made to the ordinance:

- Page 23, section 31, it should read M2, heavy industrial district.
- Page 33, section 54 general provisions, the exceptions that are listed as 54.08-3 should be 54.08-4.
- Page 33, the second section of 54.16-2.1, should be an administrative permit for large family daycare homes.
- Page 37, section 7.09-1, automobile parking and loading areas, the next to the last line changed from 2% to 15%, the line above it should say 20 stricken out and 15 underlined.
- Page 47 and at the top of page 48, everything below section 54.20-14 to the beginning of section 57 should be stricken out.

Kim Duncan, Junior Planner, presented a discussion on Zoning Ordinance Text Amendment No. ZT2005-2, proposed Ordinance No. 38.767 Zoning Code Text Amendments. Staff wants to revise the definitions of "gross acreage", "infill", "efficiency apartment", "food store", "redevelopment", and "vocational schools"; Revision of language pertaining to the Density Bonus ordinance reflecting new State Density Bonus law, approval requirements and exemption of home occupation ordinance for small and large family day care homes, useable open space requirements, density bonus approval authority, minimum size of private recreational amenities, guest parking requirements in the Midtown Specific Plan Area, athletic facility parking requirements, and revisions to the Subdivision Ordinance clarifying the multifamily condominium conversion procedure, deletion of duplicate Agricultural Residential (AR-Section 9) ordinance, and minor clarifications to existing text. And, addition of the following uses: print shops in Industrial Districts (M1, M2, MP), auto parts sales and wholesales in Highway Services (HS), fish breeding in Light Industrial (M1), and farmers' markets Citywide with the exception of Residential Districts, and addition of conditionally permitted uses of Neighborhood Commercial (C1) district to General Commercial (C2) district.

Commissioner Mohsin noted the section that states all educational institutes are added to all non-residential districts, and asked if this includes preschools. Ms. Duncan noted that the definitions of educational institutes are colleges and universities that offer certificates and does not include preschools.

Commissioner Garcia referenced section 8, R4, park and open space requirements, on page 37 of the ordinance which changes the 200 sq. ft. on the ground floor to 100 sq. ft. on the ground floor and 60 ft. on the second level and above of usable open space. He asked how it compares to what other cities are doing. Ms. Duncan noted that staff surveyed quite a few cities and 84% of the cities require a 150 sq. ft. or less of open space.

Commissioner Garcia felt that 100 sq. ft. is too small and would suggest 150 sq. feet and above.

Commissioner Garcia is very confused about parking standards and felt there was too much flexibility. Ms. Duncan explained staff was looking at codifying the parking requirements for athletic facilities and had been using the 3.5 per 1000 sq. ft. calculation. Ms. Duncan also pointed out that the parking ordinance does not call out a specific use and there is a section in the ordinance that gives the Commission the authority to make the determination if it is based on another city's experience.

Chair Williams asked if storage garage and storage off street parking facilities on page 36, section 22.04-8 of the Town Center district, is the same thing. Mr. Carrington explained that in the ordinance, staff calls self-storage mini storage. In this situation, storage garage could be a garage used for auto collection and quite often terms are used in the zoning ordinance that are not defined yet. In the future, staff will be expanding the definition section.

Ms. Duncan said noted that she will place this item for the next round of zoning ordinance amendments so she could do some research.

Commissioner Lalwani asked about Item No. 9 on the matrix, section 54.16-2. Ms. Duncan explained that state law is changing the notification requirements for childcare facilities from 300 to 100 feet.

Commissioner Mandal asked what is the city's requirement for open space. Ms. Duncan noted that the open space requirement is currently 200 sq. ft. and staff is reducing it to 100 square feet.

Commissioner Mandal asked how does staff come up with parking standards. Ms. Duncan explained that the ordinance provides the parking requirements based on the uses and staff calculates the maximum parking required. There are situations when the applicant is required to provide a parking study to prove they can meet city standards. If there are no standards, staff will do a parking survey from other cities to find out their requirements for that use. Ultimately, it is the Commission's decision for parking requirements if the ordinance doesn't have a set standard for those uses.

Commissioner Mandal is concerned that when a project is approved, the Commission approves the minimum requirements and fears that the number of cars will increase and will spill out in the streets.

Ms. Duncan pointed out that when staff reviews parking studies, they look at the maximum peak demand for projects. For example, for a religious facility, staff will study the busiest day of the week, which is Sunday.

Commissioner Mandal asked if there are any general parking requirements for any city. Ms. Duncan stated that the code does not have a standard, however section 53 provides parking requirements for many different types of uses. Mr. Carrington also explained that the new density bonus law has parking standards as well.

Chair Williams noted that he has observed information where staff has identified a study and how it relates to other cities. He noted that Hexagon was always presenting parking studies to substantiate vehicular movement and parking requirements. If comparisons are taking place of what is going on elsewhere, when is an independent study going to be done of how things are today.

Ms. Duncan explained that parking studies are required when it is apparent that the applicant will not meet city requirements for parking. If an application requires 125 parking spaces however there is only 50 on site, staff is going to require a parking study. Professional traffic engineers perform parking studies and their purpose is to provide an independent and certifiable document on why the applicant doesn't need that many parking spaces. A study could also be done for street circulation impacts if and when a project is going to increase parking greater than 100 trips for minute.

Chair Williams asked staff if there is an abbreviated outline on parking standards that would be available to the Commission.

Mr. Carrington noted that the American Planning Association publishes a book on parking and it might be available to the Commission

Commissioner Garcia noted that there are several projects on N. Main Street near the library that have been coming through and staff keeps mentioning that the extra parking will be on Weller lane. He is concerned about the mass amount of people parking there and felt it would be great if staff could create a diagram showing the areas of committed parking.

Commissioner Mandal asked if the American Planning Association parking requirements could be published on the Internet and staff said no.

Commissioner Galang asked how would the food store and supermarket be differentiated. Ms. Duncan replied that staff created one definition that would be all inclusive of any retail store that sold food.

Chair Williams asked Commissioner Garcia if he has a suggested wording change to section 40.04-28 on page 32, parking standards. Commissioner Garcia said that he does not and felt it isn't needed at all. Mr. Carrington noted that it is already in the ordinance and staff is taking the existing language and putting it where it belongs. It is not something new to the ordinance and is just a different organization to the ordinance.

Chair Williams felt that this item could be revisited at a future meeting.

Regarding the traffic and parking concerns at the north end of Main Street, Commissioner Lalwani asked if a traffic study is done as a rule, or when the situation arises. Ms. Duncan explained that it depends on the project and if the parking requirements are not met then a traffic study is required.

Commissioner Lalwani noted that there were parking issues with the Home Depot and the Great Mall after they had moved in and asked if parking could be resolved ahead of time. Ms. Duncan explained that for long range projects such as the Midtown specific plan, part of the CEQA requirements include traffic analysis.

Chair Williams opened the public hearing.

Jim Murar, Owner at 1423 S. Milpitas Blvd., commented on the changes to the usable open space relating to very high-density zoning districts, from 31 to 60 units per acre. He explained that at 31 units per acre, the parking requirement would be 75 cars and a parking lot is generally 110 cars per acre. An acre of land at a minimum density of 31 units to the acre would be a 25% open space requirement and 70 to 75 cars parking would take up the whole site. He requested clarification from staff on the wording and suggested that the minimum of 6 feet should really be at 4 or 5 feet. He also requested clarification from staff about the 100 square feet on the ground floor.

Commissioner Lalwani asked for clarification from staff. Mr. Carrington noted that the definition of ground floor is the lowest residential level that would still have 100 sq. ft. and would not be at grade. Staff is looking for the first residential floor to have a deck and the smaller square footages are for the upper floors. He explained that the minimum definition of four feet might apply to higher density zones. With regard to, whether the usable open space is cumulative of 100 sq. ft., 60 sq. ft. and 60 sq. ft., staff is referring to individual units.

Mr. Murar said that he expected that to be the intent, but felt it doesn't ready that way. Mr. Carrington noted that the typical condominium development wouldn't be a podium and ordinances don't change very well with the times. Staff created an ordinance that talks about large sizes of open space and is trying to reduce the size and think in terms of ground floor residential area being at grade.

Mr. Murar asked if the first level is not at grade, does that mean it should be at 60 feet. Mr. Carrington said that staff would have to look into that.

Chair Williams felt that staff would have to do a comprehensive study and get back to the Commission.

Commissioner Lalwani asked if staff consulted structural engineers on this item and Mr. Carrington replied that staff has a project team review committee reviewing the project.

Close the public hearing

Motion to close the public hearing.

M/S: Lalwani/Azevedo

AYES: 7

NOES: 0

Commissioner Lalwani made a motion to approve the project and Vice Chair Galang seconded the motion.

City Attorney Richard Pio Roda, asked if the motion included the recommendation from staff regarding the density bonus apply only to the units in the density bonus portion of the project and not to the project globally. Commissioner Lalwani agreed.

Commissioner Garcia felt that the open space requirements and balconies are significant and felt that they should be resolved before the zoning amendment go to City Council and suggested continuing the item.

Ms. Duncan suggested that the whole package of zoning amendments could be forwarded to City Council without Item No. 22. Chair Williams agreed with staff.

Motion to approve Zoning Ordinance Text Amendment No. ZT2005-2 and recommend adoption to City Council to adopt a resolution approving the negative declaration EA2005-3, adopt ordinance No 38.767 for amendments to the Zoning Ordinance ZT2005-2 and Subdivision Ordinance No. SO2005-5 and also applying the density bonus only to the units in the density bonus portion of the project, not globally, and also to remove Item No. 22.

M/S: Lalwani/Galang

AYES: 7

NOES: 0

X.
ADJOURNMENT

The meeting was adjourned at 8:27 p.m. to the next regular meeting of August 24, 2005.

Respectfully Submitted,

Tambri Heyden
Acting Planning and Neighborhood
Services Director

Veronica Rodriguez
Recording Secretary

APPROVED
August 10, 2005